

REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Office Action dated October 17, 2006, in which the Examiner rejected claims 21-36 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,898,636 ("*Adams*") in view of U.S. Patent No. 6,810,411 ("*Coughlin*"). Based on the arguments contained herein, Applicants respectfully request reconsideration and allowance of the pending claims.

I. CLAIM REJECTIONS

Claims 21-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Adams* in view of *Coughlin*. Applicants respectfully disagree with the Examiner's assertions because the Examiner has failed to establish a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion of motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art must teach or suggest "all the claim limitations" (MPEP 2143). "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure." *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

With respect to claim 21, the prior art fails to teach or suggest all the claim limitations as is required. Claim 21, in part, requires "redirecting the request to the second server for storing of the user-specific data at the second server" and "conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server". *Adams* does not teach these limitations as suggested by the Examiner (see Office action dated 10/07/06, item 9). Specifically, the Examiner cited *Adams* for teaching:

"Within the local domain, a sender computer may use Lotus Notes to create a document or memoranda or control sending of an electronically loaded document destined for the remote user. The sender computer is used by the user to code the message using a secondary domain name such as @ secure which causes a mailbox to transfer the message to an @ secure domain database. The message is then replicated over a dedicated connection to a transition database in the server domain." See col. 22, lines 32-39.

From the referenced teaching, Applicants are unable to identify how *Adams* discloses the relevant limitations as alleged by the Examiner. Applicants respectfully submit that *Adams* is silent regarding redirecting a request from a first server to a second server for storing of the user-specific data at the second server and performing an upload directly between the user computer and the second server, as required in claim 21.

In order to clarify the teachings of *Adams*, Applicants have provided in the Appendix a schematic drawing (Figure 1) illustrating the above teachings in *Adams*. As shown, a sender computer 1 creates a document or memoranda within the local domain of the sender computer 1. Subsequently, a mailbox at the local domain of the sender computer 1 transfers the relevant document 5, in a coded form, to a secure domain database 2 (*i.e.*, a remote domain/server/database). The coded message is then replicated over a dedicated connection to a transition database in a server domain 3. Significantly, therefore, the message or content 5 is transferred twice, once to the secure domain database 2, and then again to the transition database in the server domain 3.

In contrast, the invention of claim 21 only moves content once (*i.e.*, directly between the first computer and the second server). To clarify, Applicants refer the Examiner to the specification on page 14, line 27 to page 15, line 15. Also, Applicants have provided in the Appendix a simplified schematic drawing (Figure 2) illustrating the claimed invention to more clearly highlight the differences between the teachings of *Adams* and the claimed invention. In Figure 2, the first computer (a client) 10 makes a request to first server (a web application) 11 for uploading of a file 15. The first server 11 redirects the request to the second server 12 for storing user-specific data, the second server 12 having been chosen based on a location of the first computer 10. Subsequently, the user uploads the file 15 directly from the first computer 10 to the second server 12. In some embodiments, a session key provided by the first server 11 is used when uploading the file 15 from the first computer 10 to the second server 12 (see claim 28). In this way, user-specific content is uploaded to the most optimum location, without multiple transfers of the user-specific content. In contrast, *Adams* replicates a message to multiple servers (see Figure 1 of Appendix and col. 22, lines 32-39).

In the Office action, the Examiner suggests *Adams* teaches documents are stored in a first database that is local to the client and that is assigned by the host server (see Office action dated

10/17/06, item 7). The Examiner recognizes that *Adams* is silent on how this database is determined, yet fails to recognize that the uploaded content in *Adams* is moved twice (see Figure 1 of Appendix and col. 22, lines 32-39) instead of directly between the user computer and the (location based selected) second server as required in claim 21. In other words, claim 21 not merely defines identifying and storing uploaded data in a location based selected server, but further defines that the content is moved directly from the user computer to that server as illustrated in Figure 2 of the Appendix. In contrast, the disclosure in *Adams* requires transfer of the content first to the database in the secure domain 2 and secondly to a transition database in the server domain 3, as illustrated in Figure 1 of the Appendix.

The disclosure in *Coughlin* is clearly limited to describing a technique for determining a host or server based on shortest latency and does not overcome the shortcomings of *Adams*. Thus, Applicants respectfully submit that the combination of *Adams* and *Coughlin*, even if possible, still fails to disclose the above limitations of claim 21. For at least these reasons, claim 21 and its dependent claims are allowable.

With respect to claim 29, the prior art fails to teach or suggest all the claim limitations as is required. Claim 29, in part, requires a first server that "redirects the request to the second server for storing of the user-specific data at the second server, wherein a data upload to store the user-specific data at the second server is conducted directly between the first computer and the second server". As previously discussed, *Adams* uploads content first to the database in the secure domain 2 and then to a transition database in the server domain 3 (as illustrated in Figure 1 of the Appendix). Thus, *Adams* fails to teach the above limitations of claim 29. None of the references cited by the Examiner, considered individually or together, teach or suggest these limitations. For at least this reason, claim 29 and its dependent claims are allowable.

II. CONCLUSIONS


In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be

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other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Given the various differences between the claimed inventions and the prior art, Applicants respectfully ask that the Examiner allow all the present claims and issue a notice of allowance in due course. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Conley Rose Deposit Account Number 03-2769 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



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